THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 13357, 14603, 14605, 16150, 16159, 16414, 19651 and 19681 of 2006

Common order:

The petitioner-APSRTC have filed these writ petitions assailing the separate awards passed by the Labour Court allowing the I.Ds. filed by the respondent-workman and setting aside the orders passed by the disciplinary authority imposing major punishment of stoppage/withholding/reduction of annual increments with cumulative effect on the ground that no domestic enquiry whatsoever was conducted by the petitioner-APSRTC against the respondent-workman into the misconduct/charges leveled against him, before imposing such a punishment.

In the cases on hand, the respondent-workman, admittedly approached the Labour Court by filing I.D., assailing the orders passed by the disciplinary authority imposing the punishment of stoppage/withholding/reduction of annual increments with cumulative effect, and the Labour Court upon finding that no domestic enquiry was conducted by the petitioner-APSRTC against the respondent-workman before imposing such a punishment, by reason of the awards impugned in these writ petitions, allowed the I.Ds., and set aside the orders of the disciplinary authority with certain directions.

Though the learned Standing Counsel for the petitioner-APSRTC assailed the awards of the Labour Court, he in fact, admitted that stoppage/withholding/reduction of annual increments with cumulative effect is a majority punishment and that before imposing such a punishment on the respondent-workman, no domestic enquiry whatsoever was conducted by the petitioner-APSRTC into the allegations/charges leveled against him. Some of the workman assailed the orders of the disciplinary authority, which are identical to the one assailed by the respondent-workman before the Labour Court by filing writ petitions before this Court.

A learned Judge of this Court, upon finding that no domestic enquiry was conducted before imposing the punishment, which admittedly, is a major punishment, following the judgment of the apex Court in

Kulwant Singh Gill v. State of Punjab[1], wherein it was held that it was impermissible to impose the penalty of stoppage of increments with cumulative effect without conducting enquiry, allowed the writ petitions and set aside the orders of the disciplinary authority, he however, ordered that the respondent-workman would be entitled to the benefit of the order prospectively.

In the cases on hand, the respondent-workman instead of approaching this Court have approached the Labour Court and filed I.Ds., and the Labour Court upon considering the evidence on record and having regard to the fact that the punishment of stoppage/withholding/reduction of annual increments with cumulative effect was imposed by the petitioner-APSRTC on the respondent-workman without conducting domestic enquiry, held that the punishment imposed is contrary to the principles of natural justice, and as such, is liable to be set aside, and accordingly allowed the I.Ds. and set aside the orders of the disciplinary authority with certain directions as made therein.

Even though the writ petitions arise out of the awards of the Labour Court, but the fact remains, the punishment of stop page/withholding/reduction of annual increments with cumulative effect, imposed by the petitioner-APSRTC against the respondent-workman is a major punishment and the same is even admitted to by the learned Standing Counsel for the petition-APSRTC. Since the punishment imposed against the respondent-workman, is a major punishment, having regard to the judgment of the apex Court in **Kulwant Singh Gill v. State of Punjab**, the same could not have been imposed without conducting domestic enquiry. Since it is the admitted case of the petitioner-APSRTC that no domestic enquiry was conducted by them against the respondent-workman before imposing the major punishment of stoppage/withholding/reduction of annual increments on them, no exception can be taken to the awards passed by the Labour Court allowing the I.Ds. filed by the respondent-workman and setting aside the orders passed by the disciplinary authority.

The petitioner failed to point out any error apparent on the face of the record, warranting interference by this Court with the impugned award passed by the Labour Court, in exercise of its certiorari jurisdiction under Article 226 of the Constitution of India.

There are no merits in the writ petitions, and the same are accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 8th March, 2007.
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[1] 1990 (6) SLR 73